HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 692(MB) 2004

Pankaj Jain S/o Namechand Jain,
Resident of Adarsh Colony, Ramnagar,
Ashok Marg, Roorkee, District Haridwar. ----Petitioner.

Versus

1. State of Uttaranchal through Secretary Revenue,
2. District Magistrate, Haridwar,
3. Additional District Magistrate, Haridwar,
4. District Treasury Officer, District Haridwar.

----Respondents.

Sri K.S. Verma, Adv. and Sri Pawan Kumar, learned counsel for the petitioner,
Sri B.D. Kandpal, learned Standing Counsel for the State/respondents.

Coram:-Hon'ble P.C. Verma, J.
Hon'ble M.M. Ghildiyal, J.

P.C.:

Heard Sri Pawan Kumar, learned counsel for the petitioner and Sri B.D. Kandpal, learned Standing Counsel for the State/respondents.

The facts, as narrated in the writ petition, are that the petitioner was granted stamp vender licence by the District Magistrate, Haridwar vide its order dated 30.12.1993 for selling the stamps in the Civil Court, Roorkee which was renewed time to time. On 22.01.2004, the respondent no. 3 asked explanation from petitioner that at the time of inspection of the stock register maintained by him it was found that some serial numbers of the stock register were left out blank, which indicates irregularities on the part of the petitioner and the intention of petitioner to sell the stamps on subsequent dates.

This illegal action is against the Provisions of the stamp selling Act. On 23.02.2004, the Addl. District Magistrate, Roorkee cancelled the stamp vender licence of the petitioner. Assailing the impugned order passed by the respondent no. 3 it is vehemently contended that the respondent no. 3 is not empowered to cancel the stamp vender licence and it is the District Magistrate/Collector who is competent to do so.

The respondents, in their counter affidavit have stated that though the petitioner was granted stamp vender licence but after recovery of counterfeit stamps from New Delhi, the name of the petitioner came in to light and accordingly the Sub Divisional Magistrate, Roorkee was directed to inquire into the whole matter who after inspection of the stamp sale & purchase register and stock available with the petitioner found that in several serial numbers and pages of the stamp sale and purchase register were left blank for the purposes of selling the stamp of those serial numbers and dates in ensuing dates which is against the Rules and condition of the licence. Accordingly, proceeding for cancellation of the licence of the petitioner was initiated. A show cause notice was issued to the petitioner and inquiry was also conducted against the petitioner. It is further stated in the counter affidavit that since serious irregularities were found in the inspection of the sale & purchase register of the petitioner regarding sale of stamp/stamp papers which was not carried out in accordance to the directions laid down in Rule 178 of the Stamp Rules and the reply thereupon was not found satisfactory, as such, after giving due opportunity of hearing to the petitioner, his stamp vender licence was cancelled on 23.02.2004.

It is contended that the Addl. District Magistrate has been designated as Collector, Stamp vide Govt. Order dated 15.02.1979 and in view of Rule 154 of Indian Stamp rules, the Collector-Stamp is the competent authority to grant or cancel the stamp vendor licence of the stamp vendors in the concerned district. In para-14 of the counter affidavit, it has been stated that the petitioner has alternative remedy to approach appropriate authority against the order passed by the Collector stamp.

No rejoinder affidavit is filed by the petitioner refuting the averments made in the counter affidavit.

Having heard learned counsel for the parties and perusing of the record, it emerges that the name of the petitioner came into light when the accused persons arrested/ involved in dealing with the counterfeit stamps and non judicial stamps papers have exposed the names of the persons involved with them in such illegal activities. The petitioner was one of them. On being inspected by the Sub Divisional Magistrate, Roorkee it was found that several serial numbers and pages of the stamp sale and purchase register, were left out blank by the petitioner for selling the stamps of those serial numbers and pages on the subsequent dates and those serial numbers can be misused in future which is apparently in violation of the existing rules. The officer, who has cancelled the stamp vender licence of the petitioner, is undisputedly empowered to grant and cancel the stamp vendor licence of the stamp vendors within the district concerned, thus the order passed by the Collector-stamp, Haridwar is legal and justified. We are not inclined to interfere with the order dated 23.02.2004 passed by the Collector-

stamp/respondent no. 2. The writ petition lacks merit, as such, is dismissed. No order as to costs.

(M.M. Ghildiyal, J.) **(P.C. Verma, J.)**

September 4, 2006:
NCM: